

In the United States Court of Federal Claims

No. 21-1309

(Filed: July 8, 2021)

22ND CENTURY TECHNOLOGIES, INC.,)
Plaintiff,)
v.)
UNITED STATES,)
Defendant, and)
MEDICAL SCIENCE & COMPUTING LLC, KELLY SERVICES, INC., and GAP SOLUTIONS, INC.)
Defendant-Intervenors.)

ORDER OF DISMISSAL

Pending before the court in this post-award bid protest is a joint stipulation of dismissal filed by the United States and plaintiff. *See* ECF No. 48. Plaintiff filed the present action protesting the award of indefinite-delivery, indefinite-quantity contracts to four offerors but not plaintiff. Contract awardees Medical Science & Computing LLC, Kelly Services, Inc., and Gap Solutions, Inc. subsequently intervened. The case was stayed upon the government's notice of corrective action. After reevaluating plaintiff's technical proposal, the government awarded plaintiff a contract.

Subsequently, today, July 8, 2021, the government and plaintiff filed a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Rules of the Court of Federal Claims. Rule 41(a)(1)(A) states that "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." The stipulation of dismissal was not signed by the defendant-intervenors as required by Rule 41(a)(1)(A).

The court, however, finds that dismissal is proper under Rule 41(a)(2). Therefore, the case shall be DISMISSED with prejudice. The clerk is directed to enter judgment in accordance with this disposition.

No costs.

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow

Senior Judge